

Application No. 10/035,281
Filing Date: 01/03/2002
Examiner: David A. Bonderer

Response to Detailed Action

1. The examiner states that Claims 1-20 are drawn to a bone fusion device and Claims 21-25 are drawn to a method of stabilizing and fusing which are distinct. In particular, the examiner cites Claim 1, which describes a plate without a spacing means. The examiner has requested a restriction in this aspect between claims 1-20 and 21-25.

Response: Some claims have been deleted and some modified so as to resolve any indistinction between the device and method of using the device

2. The examiner states that since there are no generic claims, a single disclosed species should be elected

Response: The generic claims as modified are Claims 1, 12, and 17. The preferred embodiments are

- * Species E, Figs 13 and 14;
- * Species F, Figs 18-23

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#8/86
3-18-03

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March 9, 2003

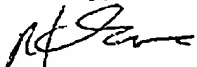
D. Austin Bonderer
Examiner
USPTO

Re: Application No. 10/035,281

Dear Mr. Bonderer,

I appreciate your help regarding my application. As per our phone conversation, I am sending you a preliminary response including deletions and modifications to claims in order to provide restriction as you had requested. Please let me know if this is acceptable. Regarding the claims I have removed, will I be able to use the priority of the filing date of the current application? Again, I thank you for your willingness to assist me in this process and hope to hear from you soon.

Sincerely,


Rohit K. Khanna, MD

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NOTE: Application No. 10/035, 281

